

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the following discussion, is respectfully requested.

Claims 10-26 are pending.

The outstanding Office Action took the position that Claims 1-9 were the pending claims. However, Claims 1-9 were canceled, and replaced with new Claims 10-26, by the Preliminary Amendment filed on October 12, 2006. The Preliminary Amendment was filed within three months of the original application in order to correct some improper multiple dependencies and to better comply with proper U.S. patent practice.

As discussed with Supervisory Patent Examiner Jack Chiang and Examiner Levin on February 24, 2009, the copy of Claim 1-9 filed with the Declaration on January 4, 2007 was filed because the Declaration states that the original specification was attached thereto, and was not filed as an amendment. This is further evidenced by the Electronic Acknowledgment Receipt and the fact that the filing did not comply with any of the requirements for amending claims (i.e. showing claim markings, including status identifiers, and not following the correct numbering for an amendment).

Accordingly, during a discussion with Supervisory Patent Examiner Jack Chiang and Examiner Levin on March 9, 2009, the Examiners agreed that Claims 10-26 were the properly pending claims. Further, the Examiners requested that Applicant file the present Request for Reconsideration to clarify the record. In response, the Examiners agreed that a new Office Action fully examining Claims 10-26 would be issued. Thus, the present Request for Reconsideration is hereby submitted for formal consideration.

Therefore, Applicant respectfully requests that a new non-final Office Action addressing Claims 10-26 on the merits be issued.

Respectfully submitted,

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